

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

DESTINY WASHINGTON, DEVIN	)	
HAZEL, and DORIS ALEXANDER,	)	
individually and on behalf of all others	)	
similarly situated,	)	Case No. 1:20-cv-00246-JJM-LDA
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
JOHNSON & WALES UNIVERSITY,	)	
	)	
Defendant.	)	

**DEFENDANT JOHNSON & WALES UNIVERSITY'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant Johnson & Wales University respectfully submits this notice of supplemental authority to invite the Court's consideration of an order in *Hassan v. Fordham University*, Case No. 29-CV-3265 (KMW) (S.D.N.Y. Jan. 28, 2021). Judge Kimba M. Wood of the Southern District of New York granted Fordham University's motion to dismiss a complaint related to the university's transition to remote learning in response to COVID-19. The order dismissed claims for breach of contract, unjust enrichment, conversion, and money had and received. A true and correct copy of this order is attached as Exhibit 1.

As here, the plaintiff in *Hassan* failed to identify any specific promise for in-person education, instead relying on "informational guidance" in Fordham's course catalog and various other policy and marketing statements for an "on-campus experience." Slip op. at 10-11. The court rejected plaintiffs' contention that Fordham had made a "sweeping promise to provide in-person educational services, based on its course descriptions," or marketing statements "more akin to general statements of policy." *Id.* at 11 (internal quotations omitted). And as here, the plaintiff

failed to demonstrate that the relevant “aspects of a course were not subject to change” or that Fordham had “relinquished its authority to alter the modality of its course instruction.” *Id.* at 10-11 (internal quotations omitted).

DATED: February 3, 2021

Respectfully submitted,

By /s/ Robert Clark Corrente

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Supplemental Authority was served on all counsel of record on February 3, 2021, using the Court's CM/ECF system, which will send a notification of such filing.

/s/ Crystal Nix-Hines  
Crystal Nix-Hines